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Attorney for Defendants Polk County and,
Deputy Michael H. Smith

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KEVIN BRATCHER,

Case No. 3:20-cv-02056-SB

Plaintiff,

v.

POLK COUNTY; CITY OF SALEM;
DEPUTY MICHAEL H. SMITH, in his
individual capacity; and DOES 1-4, in their
individual capacity,

**DECLARATION OF SERGEANT
JASON BALL IN SUPPORT OF
COUNTY DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

Defendants.

I, Sergeant Jason Ball, hereby declare under penalty of perjury that the following is true and correct:

1. I am currently a Sergeant at the Polk County Sheriff's Office. I have worked as a sworn law enforcement officer with Polk County since May of 2015. This Declaration is offered for the purposes of presenting testimony in support of the material facts relevant to and in support of County Defendants' Motion for Summary Judgment. I would testify to the truth of these matters at any proceeding in this case.

2. On September 6, 2019, at approximately 10:30 a.m., I was the on-duty supervisor for the Polk County Sheriff's Office and received a telephone call from plaintiff. Plaintiff told me that he wanted to speak with a sergeant regarding Deputy Michael Smith attempting to serve him with civil service for his wife. Plaintiff told me that Deputy Smith was rude and unprofessional. He also told me that his wife is out of state, which I later learned to be untrue as she was at work.

3. After speaking with plaintiff, I contacted Polk County Civil Deputy Jay M. Schmoyer and asked if the Sheriff's Office had received a cancellation for the civil paperwork that Deputy Smith attempted to serve plaintiff. Deputy Schmoyer told me that no cancellation had been received. Deputy Schmoyer further advised me that if we knew plaintiff lived at the residence, he could be sub-served.

4. After speaking with Deputy Schmoyer, I called Deputy Smith and told him about the complaint I had received from plaintiff. I also told Deputy Smith that I had spoken with Deputy Schmoyer who said that if we knew plaintiff lived at the residence, he could be sub-served. In addition, I suggested that Deputy Smith return to plaintiff's home and smooth it over and give plaintiff the service documents.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 27th day of January, 2022.

s/Jason Ball

Sergeant Jason Ball
Polk County Sheriff's Office

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DECLARATION OF SERGEANT JASON BALL IN SUPPORT OF COUNTY DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON on:

Kevin T. Lafky
Tonyia J. Brady
Lafky & Lafky
429 Court Street NE
Salem, OR 97301
Attorneys for Plaintiff

Jennifer M. Gaddis
City of Salem Legal Department
555 Liberty St. SE, Room 225
Salem, OR 97301
Attorney for City of Salem

by the following indicated method or methods:

- by **electronic means through the Court's Case Management/Electronic Case File system** on the date set forth below;
- by **emailing** a copy thereof to each attorney at each attorney's last-known email address on the date set forth below;
- by **mailing** a full, true, and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to the attorney's last-known address listed above and depositing it in the U.S. mail at Salem, Oregon on the date set forth below.

DATED this 28th day of January, 2022.

s/Kenneth S. Montoya
Kenneth S. Montoya, OSB #064467
Attorney for Defendant Polk County